SUPREME COURT, U.S.
JAN 28 1972
E. ROBERT SEAVER, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-452

CATHERINE J. HEALY, *et al.*,
Petitioners,

v.

F. DON JAMES, *et al.*,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

APPENDIX

Washington D C · THIEL PRESS 202 393-0625

PETITION FOR CERTIORARI FILED SEPTEMBER 29, 1971
CERTIORARI GRANTED DECEMBER 7, 1971

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RELEVANT DOCKET ENTRIES

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February 20	Complaint filed. . . Affidavit and Verification filed. Motion for Preliminary Injunction filed. Motion for Order to Show Cause filed.
March 9	Hearing before the Court: Plaintiff and Defendant stipulate as to facts—written stipulation will be filed. Plaintiff will file substitute complaint by March 10 . . .
March 11	Petitioner's Substituted and Verified Complaint, filed at Hartford.
March 23	Answer to Substituted Complaint filed.
March 23	Hearing - Oral Arguments . . . Decision Reserved.
April 24	Memorandum of Decision entered. A hearing is hereby ordered to be held upon reasonable notice to the parties, which shall be conducted by President James, or a hearing officer duly designated by him and acting in his stead. All of the plaintiffs in this action shall be afforded an opportunity to be heard and shall be entitled to cross-examine witnesses; said hearing shall be conducted in a climate of respectful civility and record thereof made. Said hearing shall take place within thirty (30) days of this order. This Court shall retain jurisdiction of this action for the entry of such further orders or judgments by the Court as may be necessary and appropriate. Clarie, J. Copies mailed from Hartford to Attys Ahern and Pudlin & Silver. M-4/27/70.
July 23	Motion to Reject findings of defendant F. Don James and Grant Injunctive Relief, filed by Plaintiffs.

September 28	Hearing on Petitioner's Motion to Reject Findings of Defendant F. Don James and Grant Injunctive Relief, filed by Plaintiffs.
September 28	Hearing on Petitioner's Motion to Reject Findings of Defendant F. Don James and Grant Injunctive Relief. "Decision Reserved."
October 29	Ruling on Motion to reject findings and and summary judgment, entered at Hartford. "The Court will treat the pending motion, as if cross-motions for summary judgment had been filed by the parties; and it finds the plaintiffs' constitutional claims are without merit, * * *. The plaintiffs' motion is denied; summary judgment is granted to the defendants and the action is dismissed. SO ORDERED." Clarie, J. M-10/29/70. Copies mailed counsel from Hartford.
October 30	Judgment entered that "the plaintiffs take nothing, that the action be dismissed on the merits, and that the defendants recover of the plaintiffs their costs of action." Earl, C. M-10/30/70.
1971	
January 16	Notice of Appeal, filed by plaintiffs.
January 16	Bond on Appeal, filed by plaintiffs.

PETITIONERS' SUBSTITUTED VERIFIED COMPLAINT

* * * *

1. This is an action for an injunction as equitable relief as authorized by Title 42 U.S.C., Sections 1981 and 1983, and Title 28 U.S.C., Section 1343 (3) and (4), as well as Article III, Section 2, of the Constitution of the United States.

Injunctive relief is sought under Rule 65 of the Federal Rules of Civil Procedure.

2. The petitioners, Catherine J. Healy, Paul Peter Brown, Lawrence Stub, James Vincent Carey, Theodore Robert Testor, Joseph A. Knowles, Edward John O'Neil and Peter Browne, all being students at Central Connecticut State College located in New Britain, Connecticut, bring this action on behalf of themselves and all other students at said college similarly situated. All of the students at said college number in excess of five thousand persons, and it is, therefore, impracticable to bring them all before the Court. There are questions of law and facts presented herein which are common to the entire class of persons, involving rights under the First, Fifth and Fourteenth Amendments to the Constitution of the United States and the claims of the Petitioners herein are typical of the claims of said class; and Petitioners will fairly and adequately protect the interest of said class; and the Defendants have acted and refused to act in a manner generally applicable to the class, thereby making appropriate preliminary and final injunctive relief with respect to the class as a whole.

The maintenance of this class action is brought by Petitioners on behalf of themselves and all others of the class similarly situated pursuant to Rule 23(A) and (B) (2) of the Federal Rules of Civil Procedure.